

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

<p>KALMAN ISAACS, Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>TESLA, INC. and ELON R. MUSK,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 3:18-cv-04865-EMC</p> <p><b>[PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS, APPOINTING LEAD PLAINTIFF, AND APPROVING LEAD COUNSEL</b></p> <p><u>CLASS ACTION</u></p> <p>JUDGE: Hon. Edward M. Chen Hearing Date: November 15, 2018 Time: 1:30 p.m. Ct rm: #5, 17th Floor (San Francisco)</p>
<p>WILLIAM CHAMBERLAIN, Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>TESLA, INC. and ELON R. MUSK,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 3:18-cv-04876-EMC</p>
<p>JOHN YEAGER, Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>TESLA, INC. and ELON R. MUSK,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 3:18-cv-04912-EMC</p>
<p>CARLOS MAIA, Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p>	<p>Case No.: 3:18-cv-04939-EMC</p>

1	TESLA, INC. and ELON R. MUSK,	
2	Defendants.	
3	KEWAL DUA, Individually and on behalf of	Case No.: 3:18-cv-04948-EMC
4	all others similarly situated,	
5	Plaintiff,	
6	v.	
7	TESLA, INC. and ELON R. MUSK,	
8	Defendants.	
9	JOSHUA HORWITZ, Individually and on	Case No.: 3:18-cv-05258-EMC
10	behalf of all others similarly situated,	
11	Plaintiff,	
12	v.	
13	TESLA, INC. and ELON R. MUSK,	
14	Defendants.	
15	ANDREW E. LEFT, Individually and on	Case No.: 3:18-cv-05463-EMC
16	behalf of all others similarly situated,	
17	Plaintiff,	
18	v.	
19	TESLA, INC. and ELON R. MUSK,	
20	Defendants.	
21	ZHI XING FAN, Individually and on behalf of	Case No. 3:18-cv-05470
22	all others similarly situated,	
23	Plaintiff,	
24	v.	
25	TESLA, INC. and ELON R. MUSK,	
26	Defendants.	
27		

1 WHEREAS, the above-captioned Related Actions (the “Related Actions”) have been  
2 filed against Tesla Inc. *et al.* (collectively “Defendants”), alleging violations of the federal  
3 securities laws;

4 WHEREAS, Federal Rule of Civil Procedure 42(a) provides that a court may order all  
5 actions consolidated if they involve “common issues of law or fact.” The Related Actions  
6 involve common legal and factual issues; thus, efficiency and consistency will result from their  
7 consolidation;

8 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995  
9 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on August 10, 2018, plaintiff in the first-filed action  
10 issued a notice to potential class members of the action informing them of their right to move to  
11 serve as lead plaintiff within 60 days of the date of the issuance of said notice;

12 WHEREAS, on October 9, 2018, class members Donald Freeland, Alvin Abrams,  
13 Christopher Lyman, and Rajinder Gaur (collectively, the “Tesla Investor Group”) timely filed a  
14 motion for consolidation of the Related Actions, appointment as Lead Plaintiff, and approval of  
15 their selection of Pomerantz LLP as Lead Counsel;

16 WHEREAS, the PSLRA provides, *inter alia*, that the most-adequate plaintiff to serve as  
17 lead plaintiff is the person or group of persons that has either filed a complaint or has made a  
18 motion in response to a notice and has the largest financial interest in the relief sought by the  
19 Class and satisfies the requirements of Fed. R. Civ. P. 23;

20 WHEREAS, 15 U.S.C. § 78u-4(a)(3)(B) provides, *inter alia*, that as soon as practicable  
21 after the decision on consolidation is rendered, the Court shall appoint the most adequate  
22 plaintiff as lead plaintiff for the consolidated actions;

23 WHEREAS, the Court finding that Movant has the largest financial interest in this  
24 action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23.  
25 *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); and  
26  
27  
28

**IT IS HEREBY ORDERED THAT:**

**CONSOLIDATION OF RELATED ACTIONS**

1. The Related Actions are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings and trial proceedings pursuant to Fed. R. Civ. P. 42(a).

**MASTER DOCKET AND CAPTION**

2. The docket in Case No. 3:18-cv-04865-EMC shall constitute the Master Docket for this action.

3. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

-----X

Master File No. 3:18-cv-04865-EMC

In re Tesla Inc. Securities Litigation

CLASS ACTION

-----X

This Document Relates To:

4. The file in civil action no. 3:18-cv-04865-EMC shall constitute a master file for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:". When a pleading applies to some, but not all, of the actions, the document shall list, immediately after the phrase "This Document Relates To:", the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action.

5. All related actions subsequently filed in, or transferred to, this District shall be consolidated into this action. This Order shall apply to every such action, absent an order of the Court. A party objecting to such consolidation, or to any other provisions of this Order, must

1 file an application for relief from this Order within ten days after the date on which a copy of  
2 this Order is mailed to the party's counsel.

3 6. This Order is entered without prejudice to the rights of any party to apply for  
4 severance of any claim or action, with good cause shown.

5 **APPOINTMENT OF LEAD PLAINTIFF AND COUNSEL**

6 7. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-  
7 4(a)(3)(B), the Tesla Investor Group is appointed as Lead Plaintiff of the class, as Movant has  
8 the largest financial interest in this litigation and otherwise satisfies the requirements of Fed. R.  
9 Civ. P. 23.

10 8. Movant's choice of counsel is approved, and Pomerantz LLP is appointed as  
11 Lead Counsel.

12 9. Lead Counsel, after being appointed by the Court, shall manage the prosecution  
13 of this litigation. Lead Counsel are to avoid duplicative or unproductive activities and are  
14 hereby vested by the Court with the responsibilities that include, without limitation, the  
15 following: (1) to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of  
16 motions in accordance with the schedules set by the orders and rules of this Court; (3) to  
17 initiate and direct discovery; (4) prepare the case for trial; and (5) to engage in settlement  
18 negotiations on behalf of Lead Plaintiff and the Class.

19  
20 SO ORDERED:

21 Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
22 Hon. Edward M. Chen  
23 U.S. District Judge  
24  
25  
26  
27  
28